

Application No. 10/813,844
Paper Dated: March 8, 2010
In Reply to USPTO Correspondence of: December 8, 2009
Attorney Docket No. 4544-043813

REMARKS

Claim 1 was pending in this application. Claim 1 has been cancelled. New claim 14 has been added to further define the claimed invention and address the §101 and §112 rejections. Applicants hereby refer to various figures of the specification that illustrate the claimed lettered functional aspects of claim 14: Preamble → FIG. 2; (b) → FIG. 12; (d) → FIG. 13; (e) → FIG. 13; (f) → FIG. 13; (g) → FIG. 14; (h) → FIG. 14; (i) → FIG. 14. Claim 14 remains in this application.

35 U.S.C. §101 Rejections

It is asserted that claim 1 stands rejected under 35 U.S.C. § 101 for not being supported by either a specific and substantial asserted utility of a well established utility. Applicants respectfully offer that the claim sets forth how a plurality of knowledge workers, a plurality of skills, a plurality of possessed skills of a knowledge worker, and a plurality of project requirements are used to enable effective matching of a possessed skill with a project requirement. Accordingly, the claimed invention has utility. Furthermore, new claim 14 now recites a system that is configured to perform various steps. The “configured to” language draws support from the specification by virtue of the disclosed system architecture implemented in the software. Also, the disclosure specifically discusses various subsystems (*See, e.g.*, page 6, lines 6-8) that are used to implement the claimed functionality. Furthermore, it can be drawn from an inherency basis that any software component (i.e., the various subsystems) of the claimed system is configured to provide the claimed functionality by being programmed accordingly.

Applicants respectfully request reconsideration of the §101 rejection.

35 U.S.C. §112 Rejections

Claim 1 stands rejected under 35 U.S.C. §112, first paragraph, for assertedly containing subject matter which was not described in the specification to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The subject matter of a claim need not be described literally or “in haec verba” in order for the specification to satisfy the description requirement

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(*Purdue Pharma L.P. v. Faulding, Inc.*, 230 F.3d 1320, 1323, 56 USPQ2d 1445, 1455 (Fed. Cir. 2000)). It is sufficient that the specification convey clearly to those skilled in the art, to whom it is addressed, in any way, the information that the applicant has invented the specific subject matter later claimed (*Lampi Corp. v. American Power Products, Inc.*, 228 F.3d 1365, 56 USPQ2d 1445 (Fed. Cir. 2000)). As discussed above, any of the subsystems (forming the overall claimed system) discussed in the specification inherently contain a processor and instructions for providing the claimed functionality. In any case, Applicants have set forth in new claim 14, that the system is configured to perform the claimed steps.

Claim 1 stands rejected under 35 U.S.C. §112, second paragraph, for assertedly being indefinite for reciting the terminology “approximate” (and derivatives thereof) and “values close to.” New claim 14 now sets forth a range for the claimed value. Furthermore, new claim 14 defines that an “approximate match” is the context of an extent of match. Specifically, an “extent of match is considered an approximate match if said required skill and said required period do not match exactly with said available skill and said available period.” Thus, the term “approximate match” is specifically defined and cannot be considered to be indefinite.

Applicants respectfully request reconsideration of the §112 rejections.

35 U.S.C. §102(b) Rejections

Claim 1 stands rejected under 35 U.S.C. §102(b) for asserted anticipation based upon U.S. Patent No. 7,191,176 to McCall. The claimed skill hierarchy aspect is neither disclosed nor suggested by the McCall patent. This aspect is used during the matching process and aids in effective matching. Specifically, the present invention provides for matching of skills of a knowledge worker with respect to a project specific requirement. The overall matching is based on a skill hierarchy, which is used to define a “semantic” distance between the skills. While the matching addresses exact, semi-exact, and approximate matching, it is to be noted that the semi-exact or approximate matching is not based on a notion of a “must” indicator that is disclosed in the McCall patent. An exact match is when two skills match exactly literally (in this case having a “semantic” distance of zero) and a semi-exact match is when the “semantic” distance is non-zero. Furthermore, the extent of match is also approximate along a time

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dimension (e.g., a knowledge worker could be available only for a portion of the time and not for the entire duration). In such instance, a decision needs to be taken whether to select a knowledge worker with a lower skill available for the entire duration vis-à-vis a better skilled knowledge worker available only for a portion of the duration (i.e., determination of the appropriate worker is made). The pending claim sets forth the aspect of a path length (in the context of the hierarchy) defined as the “semantic” distance. Applicants offer that FIG. 12, step 1206 (See also, page 12, lines 1-18) illustrates the aforementioned extent of match aspect (i.e., exact match, semi-exact match, and approximate match).

Claim 14 specifies that the aspect of evolving of a plurality of possessed skills is limited to past projects based skills.

Claim 14 also sets forth the aspect of dividing a plurality specific skills into a plurality of plurality of non-overlapping skills. The usage set forth in claim 14 with respect to “overlap” along a time dimension is not the same as the usage of “overlap” with respect to a range of values in the McCall patent.

Claim 14 requires that a plurality of multiplicity factors be obtained. This accounts for the requirements of multiple resources to execute a project (a core requirement), whereas the multiplicity factor in the McCall system is in the context of a weighting factor.

Claim 14 requires that a skill matrix and a resource matrix be formed, which are a part of the system and are used to maximize the utilization of appropriate (i.e., “right”) resources for the appropriate projects.

Accordingly, Applicants submit that the McCall patent fails to disclose the limitations of claim 14.

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CONCLUSION

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of claim 14 are respectfully requested.

Respectfully submitted,

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